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**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-0602**

August 8, 2008

COMMITTEE ON ARMED SERVICES  
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FORESTS, AND PUBLIC LANDS

<http://markudall.house.gov/HeR/Co02/home>

The Honorable Robert M. Gates  
Secretary of Defense  
U.S. Department of Defense  
1400 Defense Pentagon  
Washington, D.C. 20301-1400

Dear Secretary Gates:

As you know, the Army has proposed expanding the Pinon Canyon Maneuver Site, in Colorado, through acquisition of lands adjacent to the existing site.

Section 409 of the fiscal 2008 military construction appropriations act provides that "None of the funds appropriated or otherwise made available in this Act may be used for any action that is related to or promotes the expansion of the boundaries or size" of the Pinon Canyon site, and similar language is included in the corresponding appropriations bill for fiscal year 2009 recently passed by the House of Representatives.

However, section 2831 of the National Defense Authorization Act for fiscal 2008 requires the Army to prepare and submit to Congress a report analyzing the adequacy of the existing site and the extent to which it could support additional training activities as well as a description of additional training activities that could be conducted by units stationed at Fort Carson "if, through leases or acquisition from consenting landowners," the existing site were expanded.

On August 6<sup>th</sup>, the possible expansion of the existing Pinon Canyon Maneuver Site was discussed at a meeting in Trinidad, Colorado attended by Mr. Keith Eastin, Assistant Secretary of the Army, Installations and Environment, and Maj. General Mark Graham, the commander of Fort Carson. I was pleased to attend this meeting and appreciated that Mr. Eastin and Maj. General Graham came to Trinidad to meet with the community.

At the meeting, Assistant Secretary Eastin stated that the Army will not seek to use eminent domain to condemn any land for expansion of the existing Pinon Canyon site and instead will deal only with "willing sellers" in acquiring land for that purpose.

A majority in the Colorado Congressional Delegation are opposed to the use of eminent domain for this purpose. Mr. Eastin's assurances on this point were welcomed.

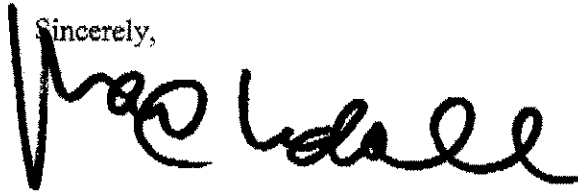
I have no reason to question the sincerity of Mr. Eastin's declaration and I am confident that he speaks with authority for the Army on the use of eminent domain, but you can imagine that many in the local community wonder whether this commitment is iron-clad. In this regard, I would like to make sure that Assistant Secretary Eastin's statement represents the official position of the Department of Defense.

Can you assert that it is the policy of the Department of Defense to refrain from any attempt to acquire the ownership or use of private lands for the purpose of expanding the Pinon Canyon Maneuver Site except through agreement with willing owners of the lands involved?

I believe that an official statement from your office on this point would be reassuring to the communities concerned about the Army's proposed expansion. It would also be helpful to Congress to have an official policy declaration from the highest office in the Pentagon on this question

Thank you for your response.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark Udall', with a stylized, cursive script.

Mark Udall